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Background to the disturbances in Nyasaland

By Colin Legum

Although it is convenient to talk about Cholo the actual trouble area is the Shire Highlands comprising the districts of Cholo, Mlanje, Chiradzulu, Zomba and Blantyre.

This is the only part of Nyasaland where there is anything approaching White settlement. And it is the only part of the country where land hunger is a serious problem for the Africans.

Almost one million acres of land is owned by a small number of plantation companies. They are mainly concerned with the production of tea and tung. According to the 1945 census 173,000 Africans were living on these plantations. The number today exceeds 200,000. In addition, about 500,000 Africans live on their own lands, covering approximately 1,500,000 acres, in the Shire Highlands.

The number of large European owned plantation estates involved is less than fifty. There is also a number of small independent farmers. But the total number of White Settlers on the land is less than 500. The bulk of the land is owned by about half a dozen large companies.

The density of population throughout Nyasaland is 42.55. On the private estates in the Shire Highlands the density is 156.6

Although the problem in the Shire Highlands is in many respects different from the mining urban areas of the Witwatersrand in South Africa and the White Highlands in Kenya, there are some striking points in comparison.

Like the Kenya Highlands the plantation belt in the Shire Highlands is almost exclusively owned by European settlers. The essential difference is that whereas in Kenya the settlers are individual farmers, in Nyasaland they are plantation owners.

Like the Witwatersrand mining belt the Shire Highlands is short of local labour to operate the plantations. Over a long period employers have actively encouraged the migration of Africans from other parts to come and work for them. These migrant workers have chosen to settle. In Nyasaland this conversion of migratory labour into permanent settlers is even greater than on the Witwatersrand. The essential difference between the two areas is that in the Shire Highlands the problems created by encouraging 'foreign' labour are rural agricultural problems, while on the Witwatersrand they are urban industrial problems.

It is also necessary to distinguish between two groups of Africans in the Shire Highlands. The first are the local inhabitants who were settled there when the Europeans first arrived in the 1890's. The second are the 'newcomers', mainly people of the Anguru tribe who came from across the border in Portuguese East Africa (Mocambique). The

incursion of the Anguru, which was strongly encouraged, began in the 1890's but was accentuated from 1914.

When the European plantation owners first arrived in the Shire Highlands in the 1890's they found the countryside largely depleted of Africans because of the depredations of the slave trade. The local chiefs bartered vast tracts of land for a few bolts of cloth. There is acute controversy today about the validity of the sale of these lands. According to the original chiefs' descendants and one of the original chiefs is still alive, the European immigrants were given right of occupation but not of ownership. By tradition, Africans in this part of the world don't sell the ownership of land even to their own people: they merely concede the right of occupation subject to certain conditions.

The plantation owners subsequently obtained Certificates of Claim, not from the chiefs but from the first British Consul General, Sir Harry Johnson. They have no title deeds; the submission is that the Certificates of Claim are the equivalent of title deeds. This has been disputed for some years by the African chiefs.

Many of the original African inhabitants of the Shire Highlands are now tenants on the lands of the plantation owners, having lost their ownership by a progression of historical events. But the overwhelming bulk of the tenants on the plantations are the newly-settled Anguru.

There are two types of tenancy on the plantations. The one is the plantation worker who, with his family, has a small piece of ground, called a garden, which he is allowed to cultivate. He is paid a wage by the plantation owner and is not required to pay rent for his ground. The second is the African tenant farmer who is not an employee on the plantation. He is required to pay rent. For some peculiar reason the rent is calculated in relation to the wages earned in the area. Such rents are fixed by legislation. For some years past the rent was £1 per year per adult. Under the 1952 Ordinance No.8 the rent was increased to £2.12.6 to conform with the higher wages.

This decision to raise rents due to come into force this year, was one of the precipitating causes of the troubles.

The whole system of tenancy is a complicated one, especially in regard to undisturbed rights. It has been exhaustively reported upon by a number of public and departmental inquiries. Before relating the events of the immediate disturbances it is important to consider briefly the history of the relations between the plantation owners and the vast horde of tenants who were encouraged to settle on the plantations.

Relations Between Plantation Owners and their African Tenants

In 1903, Mr. Justice Nunan, deliberating judgment in a matter of non-disturbance of rights brought by an African plaintiff, said

"I have no desire to make any appeal to sentiment or to charitable considerations such as fall within the province of those Missionaries to whom the country owes such a great deal.... I would merely recommend to landowners to face that their interests are so bound up with natives of this country that they will be best served by a prompt, a fair and a reasonable settlement. There is no reason to think that such an arrangement will mar their inheritance."

Referring to this statement in 1946 Sir Sidney Abrahams said in his report on land problems in Nyasaland.

"That was written on the day when there began the sittings of another Land Commission to deal with the problems of natives on private estates which even at that date caused much concern. The words of the Judge seem to be as apt today as they were 43 years ago."

In 1924 the East Africa Commission (known as the Ormsby Gore Commission) in the course of its report said.

"The private estates constitute a very special problem in Nyasaland. The largest of them is that belonging to the B.S.A. Company in North Nyasaland district at the extreme north-western end of Lake Nyasa. (This is not in the Shire Highlands.) It is understood that they own under recognised Certificates of Claim approximately 3,000,000 acres.

"Practically half the area of the Blantyre district (which is in the Shire Highlands) has been alienated under Certificates of Claim, the largest landowner being the Livingstone Bruce Estates who own the freehold of approximately 320,000 acres. The B.C.A. company owns 170,000 acres in different parts."

The Ormsby Gore Commissions went on to make several important submissions. "We are bound to say", they reported, "that there seems to be grave doubts whether the demands for rent made by many estate owners on the resident natives are sound in law, and whether the Government is justified in enforcing them."

The Nyasaland Government apparently has no such doubts, despite this observation of the Ormsby Gore Commission. Our apprehension is increased by the fact that native rights depending on identical documents in Northern Rhodesia have been fully protected, the residents of estates being treated as freeholders and not disturbed without compensation.

"We cannot but regard it as anomalous that in southern Nyasaland (the Shire Highlands) the machinery of Government is being used to impose on native residents claims by landowners to rights which are, prima facie, not included in their titles, while such claims are not enforced in Northern Nyasaland and are excluded in Northern Rhodesia."

And the Ormsby Gore Commission warned nearly 30 years ago, that:

"This conditions of affairs is likely before long to lead to agitation and possibly to litigation."

This report evoked a vigorous protest from the largest landowners in Nyasaland.

One of the effects of the report was that the Government promoted a Natives on Private Estates Ordinance in 1928. This provided for all resident natives either to work for the landowner or to grow economic crops with which to enable them to pay rent to the landowner.

A Legislative Council Select Committee was set up in 1933 on which local landowners were strongly represented. The Government itself undertook to represent African interests on this Select Committee. Its report resulted in numerous despatches being exchanged between the Nyasaland Government and the Colonial Secretary but nothing practical was achieved.

In 1943 following attempts to evict several hundred Africans for non-payment of rent, there were several incidents in the Shire Highlands. An on-the-spot investigation was held which produced a number of grievances against estate owners. The commissioner reported

"... some of the grievances were held to be not without substance, though it would appear that misunderstandings were to some extent to blame."

The Provincial Commissioner of the Southern Province warned the Government that there might be, at no distant future, trouble between landlords and tenants. Still no effective action was taken. Meanwhile, the first signs of political consciousness and organisation began to reveal itself through the creation of a Cholo Tenants Association.

Early in 1945 an awkward situation developed in the Cholo district through an attempt on the part of two estate owners to evict about 1,200 resident tenants for arrears in rent.

An inquiry by the District Commissioner produced the finding that "there is a direct conflict of interests." The natives felt that they had a strong customary right to settle their families in their home village while the landlords had not hesitated to say that they would do everything in their power to contest the contention that they were legally obliged to find accommodation on their land for the descendants of their families.

And so, in 1946, the Government appointed the distinguished colonial administrator, Sir Sidney Abrahams, to investigate the problems of land in Nyasaland.

"The conclusion to which I have come", he said in his report, "is that either a number of occurrences, whether large or small is difficult to ascertain, have excited resentment, of the resident native lives under conditions which cause him to apprehend that it is easy for the landlord to do something at any time to disturb seriously his traditional mode of life or both."

In his evidence to the Abrahams Commission, Mr. Barnes (who is now Provincial Commissioner for the Southern Province) said "The main cause of discontent among natives on private estates is the fact that they object to the regimentation to which they are subjected. They are constantly being chivvied by estate owners and they have very little security regarding either their houses or garden lands."

Sir Sidney Abrahams actually refers to the Cholo area as "one of the storm centres". He quotes the opinion of Mr. H.V. McDonald, the officer in charge of the Cholo district, that he regarded the settlement of the problem of natives resident on private estates as of "more importance than any of the post war development proposals. If this were done, it would prevent unending future difficulties".

The three main problems defined by Sir Sidney Abrahams as requiring urgent attention were:

1. the economic problem of the relief of congestion on native trust land,
2. the political problem of satisfying the sense of grievance that Europeans are holding large tracts of undeveloped land while natives are suffering acute pangs of land hunger; and
3. the problem of emancipating the resident natives.

Sir Sidney refers to the widespread grievances in the Protectorate which natives claim to feel at the possession of large unused areas of land by non natives. There was not a single district that I visited, with the exception of Fort Johnston, where the grievance was not presented to me by deputations of chiefs, by the local branch of the African Congress and by other natives.

"This particular grievance was complicated every time by complaints relating to the position of resident natives on many of these lands, and not infrequently by a claim that these lands were not acquired lawfully, both because the chief who was said to have made a grant in freehold had not had the slightest intention of doing anything of the kind, and because if he had purported to give such a title he had no right to do so without consulting his people.

"Demands were actually made to me that the estate holders should produce the receipts for the price which they had paid for the land which they claimed they had bought.

"Even the Mission bodies who had undeveloped land were subject to attack. It seems particularly to have been resented that evangelical organisations should charge rent and assert other rights of ownership such as a fee for cutting timber...

"It seems to have been an article of faith in several districts I visited that what had been acquired for nothing should not be used to charge rent."

Dismissing as being only of academic interest what the Chiefs intended when they permitted land to be used for White settlement Sir Sidney quotes Sir Charles Bowring, a former Governor of Nyasaland who in a despatch of November 10, 1924, said that what was required was to deal with the situation as it existed at the time and to endeavour once and for all to place it on a sound footing.

Sir Sidney commented seven years ago "...if that was required 22 years ago, it is more urgent today now that the problem itself is intensified by very much greater pressure of the land and is exposed in its seriousness by the failure of the Legislature to settle the differences between estate owners and resident natives, and now that the native grievances in respect of land and the people on it are receiving form, direction and force from organised bodies comprised of the more intelligent members of their community."

Among the recommendations of the Abrahams Commission of 1946 was planned resettlement of the surplus population on the private estates and greater agricultural opportunities for tenants. This he referred to as the "emancipation of the tenants". He also recognised the importance of the "political problem of satisfying the sense of grievance."

The Nyasaland African Congress which was formed in 1943 converted the Cholo Tenants Association into the Cholo branch of Congress some two years after the publication of the Abrahams report.

As a result of the Abrahams Report the Nyasaland Government set up a field team in the Cholo area to acquire land and plan resettlement.... Between 1950 to 1952 the Government purchased a small area of land and claims to have resettled 10,000 Africans in these acquired areas.

According to an official statement issued in September 1953; "Congestion still however remains in certain areas and the resultant land hunger has been the cause from time to time of minor demonstrations on the part of the Africans concerned. This has resulted in a deterioration, on certain estates, of the former happy relations between landlord and tenant." The statement then goes on to place the blame for the recent disturbances on political agitators "principally members of the Nyasaland African Congress."

The fact that since 1903 serious warnings have been issued about the possible dangers of "Cholo as a storm centre" is ignored.

Before the actual disturbances began in September 1953 the African Congress issued a statement in which it made the following points:

"Africans living on private estates in the Cholo district have begun protesting against the treatment they receive from the thangata system (tenancy) which requires them in future to pay £2 12 6 instead of £1, having the acreage of their gardens reduced, and their marriages controlled by estate owners. (This refers to allegations that estate owners insist on the unmarried daughters of their tenants marrying people on the estate to prevent them from leaving.) They are determined to live on the estates without paying any rent down to a penny; to open up more gardens and to get firewood as they like until they are satisfied that the estate owners bought the estates from the Chiefs by producing their receipts for the purchase."

It is difficult to obtain reliable figures to indicate to what extent land is fully utilised by plantation owners. One plantation owner has quoted the figure of 29 per cent.

On behalf of the estate owners it must be conceded that agricultural development on their plantations is very good and that a considerable part of Nyasaland's development - tardy though it undoubtedly has been - is due to the development of these plantations. It must also be conceded that, as in all communities, there are sheep and goats among plantation owners. Some are good employers, as befits reasonable feudal barons; others are not. The Africans themselves distinguish between the good and the bad. There is also impartial evidence to suggest that the Anguru, who are admittedly newcomers, are not skilled agriculturists and that they are immigrants, as, in fact, are the plantation owners.

But the fact is that they have been accepted as settled members of the African community and have been admitted to the community of indigenous Africans by the traditional customs which make this admission possible and acceptable.

And, what is surely important, is that feudal barony is outdated - even in under-developed Africa.

It would however be unfair and unreasonable to allow this controversy to minimise the positive achievements of the planters.

Responsible local authorities advance two proposals:

1. that all unutilised land be taken over at an arbitration figure for controlled settlement,
2. that the tenant system be abolished and replaced by a modern wage-paying system.

